

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 08-04027 PVT	DATE FILED 8/22/2008	U.S. DISTRICT COURT 280 South First Street, Rm 2112, San Jose, CA 95113
PLAINTIFF WORDTECH SYSTEMS INC		DEFENDANT MICROTECH SYSTEMS INC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,141,298		SEE ATTACHED COMPLAINT
2 6,532,198		
3 6,822,932		
4 7,145,841		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wiekig	(BY) DEPUTY CLERK Betty Walton	DATE August 27, 2008
---------------------------------------	--	------------------------------------

1 U.S.C. § 271 (a), (b), (c) and/or (f) literally or under the doctrine of equivalents.

2 57. MICROTECH had been informed that a license was needed under Patent '841.

3 58. On information and belief, MICROTECH's infringement of Patent '841 has been and continues to
4 be willful and deliberate, entitling WORDTECH to increased damages under 35 U.S.C. § 284 and
5 to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

6 59. As a direct and proximate consequence of the acts and practices of MICROTECH, plaintiff
7 WORDTECH has been, is being, and continues to be damaged; unless such acts and practices of
8 defendant are enjoined by the Court, plaintiff will continue to be injured in its business and
9 property rights and has suffered and is suffering and will continue to suffer injury and damages for
10 which it is entitled to relief under 35 U.S. C. § 284.

11 60. On information and belief, defendants AT EASE, BROWARD MICROFILM, INC., BUSINESS
12 TEK, CRANEL, TAPEONLINE, SPINERGY, MASTER RECORDING, PROACTION,
13 RESOURCE DATA, WEBTRONICS, STORAGE HEAVEN, TERA-STORAGE, THE TAPE
14 COMPANY LLC. and DOES 1-50 (collectively, "RESELLERS") have made, purchased, resold,
15 offered for sale, used, sold, and/or imported in this district and elsewhere in the United States
16 MICROTECH DEVICES that use, embody or otherwise infringe on one or more claims of Patent
17 '841.

18 61. As a direct and proximate consequence of the acts of the RESELLERS, WORDTECH has been, is
19 being, and continues to be damaged according to proof. Unless such acts and practices of
20 defendant are enjoined by the Court, Plaintiff's business and property will continue to be injured
21 and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S. C. §
22 284.

23 62. As a direct and proximate consequence of the acts of the RESELLERS, WORDTECH has been, is
24 being, and continues to be damaged according to proof. Unless such acts and practices of
25 defendant are enjoined by the Court, Plaintiff will continue to be injured in its business and
26 property rights and has suffered and is suffering and will continue to suffer injury and damages for
27 which it is entitled to relief under 35 U.S. C. § 284.

28 **PRAYER FOR RELIEF**

1 WEREFOR, plaintiff prays for the entry of a judgment from this Court:

2 a. Declaring that United States Patent No. 6,141,298 was duly and legally issued, and is valid and
3 enforceable;

4 b. Declaring that United States Patent No. 6,532,198 was duly and legally issued, and is valid and
5 enforceable;

6 c. Declaring that United States Patent No. 6,822,932 was duly and legally issued, and is valid and
7 enforceable;

8 d. Declaring that United States Patent No. 7,145,841 was duly and legally issued, and is valid and
9 enforceable;

10 e. Declaring that defendant MICROTECH, Inc. has directly infringed, contributorily infringed, and or
11 induced infringement of one or more claims of Patents '298, '198, 932, and 841;

12 f. Declaring that defendant MICROTECH, Inc. has willfully infringed one or more claims of Patents
13 '298, '198, 932, and 841;

14 g. Deeming this to be an exceptional case within the meaning of 35 U.S.C. § 285, entitling plaintiff
15 WORDTECH, to an award of its reasonable attorneys' fees expense and costs in this action from
16 MICROTECH; and

17 h. Preliminarily and permanently enjoining defendant MICROTECH, and its respective officers,
18 agents, servants employees, and attorneys and those persons in active concert or participation with
19 them who receive notice of the order by personal service or otherwise, from committing further
20 acts of infringement under 35 U.S.C. 271 of one or more claims of Patents '298, '198, 932, and 841
21 pursuant to 35 U.S. C § 283;

22 i. Declaring that the RESELLERS have directly infringed, contributorily infringed, and or induced
23 infringement of one or more claims of Patents '298, '198, 932, and 841;

24 j. Awarding plaintiff damages in accordance with 35 U.S. C. § 284;

25 k. Awarding plaintiff its costs in connection with this action;

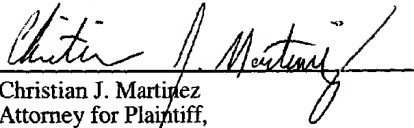
26 l. Awarding plaintiff such other and further relief as this Court may deem to be just and proper.

27 //

28 //

1 DATE: 8/20/08

2 RESPECTFULLY SUBMITTED,

3
4 

5 Christian J. Martinez
6 Attorney for Plaintiff,
7 Wordtech Systems, Inc.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORIGINAL
FILED

AUG 22 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 CHRISTIAN J. MARTINEZ (CA State Bar No. 215360)
2 2500 Dean Leshner Drive, Suite A
3 Concord, CA 94520
4 Telephone: (925) 689-1200
5 Facsimile: (925) 689-1263
6 cmartinez@copypro.com

7 RICHARD ESTY PETERSON (CA State Bar No. 41013)
8 1905-D Palmetto Avenue
9 Pacifica, CA 94044
10 Telephone: (650) 557-5708
11 Facsimile: (650) 557-5716
12 sfreptile@mac.com

13 Attorneys for Plaintiff
14 WORDTECH SYSTEMS, INC.,

E-filing

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

PVT

14 WORDTECH SYSTEMS INC.,

Case No.:

15 Plaintiff,

CV 08

4027

16 v.

17 MICROTECH SYSTEMS, INC., a California
18 corporation, AT EASE COMPUTING, INC.,
19 BROWARD MICROFILM, INC., BUSINESS
20 TEK, INC., CRANEL, INC. d/b/a CRANEL
21 IMAGING, ELECTRIC PICTURE COMPANY,
22 INC., d/b/a TAPEONLINE, GRA PACKAGING
23 SERVICES OF ROCHESTER, INC d/b/a
24 SPINERGY, MASTER RECORDING SUPPLY,
25 INC., PROACTION NETWORK, LLC., d/b/a
26 PROACTION MEDIA, RESOURCE DATA
27 PRODUCTS INC., SAS-WEBTRONICS,
28 STORAGE HEAVEN, TERA-STORAGE
SOLUTION, INC., THE TAPE COMPANY LLC
and DOES 1-50,

COMPLAINT FOR PATENT
INFRINGEMENT

JUDGE:
TRIAL DATE:

Defendants.

1
2 Plaintiff, WORDTECH SYSTEMS Inc. ("WORDTECH"), a California corporation, in and through its
3 attorneys, alleges:

4 **THE PARTIES**

- 5 1. Plaintiff, WORDTECH is a corporation organized under the laws to the State of California with its
6 principal place of business located at Concord, California.
- 7 2. On information and belief, defendant Microtech Systems, Inc. ("MICROTECH"), is a corporation
8 doing business in the State of California, with its principal place of business in Belmont,
9 California.
- 10 3. On information and belief, defendant At Ease Computing, Inc. ("AT EASE") is a corporation
11 organized under the laws of the State of Massachusetts with its principal place of business in
12 Westborough.
- 13 4. On information and belief, defendant Broward Microfilm, Inc. ("BROWARD MICROFILM") is a
14 corporation organized under the laws of the State of Florida, with its principal place of business in
15 Ft. Lauderdale.
- 16 5. On information and belief, Business Tek, Inc. ("BUSINESS TEK") is a corporation organized
17 under the laws of the State of Ohio, with its principal place of business in Dayton.
- 18 6. On information and belief, Cranel, Inc., doing business as Cranel Imaging, ("CRANEL") is a
19 corporation organized under the laws of the State of Ohio, with its principal place of business in
20 Columbus.
- 21 7. On information and belief, Electric Picture Company, Inc., doing business as Tapeonline
22 ("TAPEONLINE") is a corporation organized under the laws of the State of Tennessee with its
23 principal place of business in Nashville.
- 24 8. On information and belief, Gra Packaging Services of Rochester, Inc., doing business as Spinergy
25 ("SPINERGY") is a corporation organized under the laws of the State of New York with its
26 principal place of business in Rochester.
- 27 9. On information and belief, Master Recording Supply, Inc., ("MASTER RECORDING") is a
28 corporation organized under the laws of the State of California with its principal place of business

1 in Santa Ana.

2 10. On information and belief, Proaction Network, L.L.C., doing business as Proaction Media
3 ("PROACTION") is a Limited Liability Company organized under the laws of the State of Arizona
4 with its principal place of business in Phoenix.

5 11. On information and belief, Resource Data Products Inc., ("RESOURCE DATA") is a corporation
6 organized under the laws of the State of Pennsylvania with its principal place of business in Lititz.

7 12. On information and belief, Sas-Webtronics ("WEBTRONICS") is a business entity, form
8 unknown, with its principal place of business in Ashland City, Tennessee.

9 13. On information and belief, Storage Heaven ("STORAGE HEAVEN ") is a business entity, form
10 unknown, with its principal place of business in Plantation, Florida.

11 14. On information and belief, Tera-storage Solution, Inc. ("TERA-STORAGE") is a corporation
12 organized under the laws of the State of Texas with its principal place of business in Manchaca.

13 15. On information and belief, Discount Media Products, L.L.C., doing business as The Tape
14 Company, L.L.C., ("THE TAPE COMPANY"), is a Limited Liability Company organized under
15 the laws of Illinois, with its principal place of business in Chicago.

16 16. Plaintiff is ignorant of the true names or capacities of the defendants sued herein under the
17 fictitious names of DOES 1 -50 inclusive. Plaintiff will amend this Complaint to allege their true
18 names and capacities when ascertained. Plaintiff is informed and believes and thereon alleges that
19 each of the fictitiously named defendants is responsible in some manner for the occurrences herein
20 alleged, and that Plaintiff's injuries as alleged herein were proximately caused by the wrongful
21 conduct of these fictitiously named defendants.

22 17. Plaintiff is informed and believes and thereon alleges that at all times herein, DOES 1-50 were the
23 agents, servants, and /or employees of their codefendants and in doing the things alleged herein
24 were acting within the course and scope of their authority with the permission and consent of their
25 codefendants.

26 **JURISDICTION AND VENUE**

27 18. This action arises under the patent laws of the United States, 35 U.S. C. §§ 271, 281, and 283-285.

28 19. Subject matter jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331 and 1338(a).

20. Venue is proper in this Court under 28 U.S. C. §§ 1391(b) and 1391(c) and/or 1400(b).

INTRADISTRICT ASSIGNMENT

21. This is an Intellectual Property Action under this Court's Assignment Plan, and therefore assignment to any division of the Court is proper pursuant to Civil L.R. 3-2(c).

BACKGROUND

22. On October 31, 2000, the U.S. Patent Office issued U.S. Patent No. 6,141,298, entitled Programmable Self-Operating Compact Disk Duplication System, listing David Miller as the inventor ("Patent '298"). A true and correct copy of Patent '298 is attached hereto as **Exhibit 1**.

23. On March 11, 2003, the U.S. Patent Office issued a patent, U.S. Patent No. 6,532,198 entitled Programmable Self-Operating Compact Disk Duplication System, listing David Miller as the inventor ("Patent '198"). A true and correct copy of Patent '198 is attached hereto as **Exhibit 2**.

24. On or about November 23, 2004, the U.S. Patent Office issued a patent, U.S. Patent No. 6,822,932 entitled Programmable Self-Operating Compact Disk Duplication System, listing David Miller as the inventor ("Patent '932"). A true and correct copy of Patent '932 is attached hereto as **Exhibit 3**.

25. On or about November 23, 2004, the U.S. Patent Office issued a patent, U.S. Patent No. 7,145,841 entitled Programmable Self-Operating Compact Disk Duplication System, listing David Miller as the inventor ("Patent '841"). A true and correct copy of Patent '841 is attached hereto as **Exhibit 4**.

26. WORDTECH is sole and exclusive owner by assignments by the inventor, David Miller, of all rights, title, and interest in Patents '298, '198, '932, and '841, and has the right to bring this suit for damages and injunctive relief.

27. Patents '298, '198, '932, and '841 relate to a Programmable Self-Operating Compact Disk Duplication System, including, *inter alia*, the controller, whether single card or a motherboard configuration, software, drives, robotics, printers, accessories, housing or any other component to operate the disk duplicator and were duly issued to David Miller and assigned to Wordtech.

COUNT I

(Infringement of U.S. Patent 6,141,298)

28. Plaintiff hereby incorporates paragraphs 1-27 above, inclusive, by this reference.

29. On information and belief, Defendant MICROTECH is in the business of, *inter alia*, making using,

1 selling, importing and/or offering to sale programmable self-operating compact disc duplication
2 systems ("MICROTECH DEVICES)" that infringe each of the elements of one or more claims of
3 the '298 patent, without a license from WORDTECH.

4 30. On information and belief, by making, using, selling, importing and or offering for sale
5 MICROTECH DEVICES, defendant MICROTECH has directly and contributorily infringed and
6 will continue to directly and contributorily infringe one more of the claims of Patent '298 under 35
7 U.S.C. § 271 (a), (b), (c) and/or (f) literally or under the doctrine of equivalents.

8 31. MICROTECH had been informed that a license was needed under Patent '298.

9 32. On information and belief, MICROTECH's infringement of Patent '298 has been and continues to
10 be willful and deliberate, entitling WORDTECH to increased damages under 35 U.S.C. § 284 and
11 to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

12 33. As a direct and proximate consequence of the acts and practices of MICROTECH, plaintiff
13 WORDTECH has been, is being, and continues to be damaged; unless such acts and practices of
14 defendant are enjoined by the Court, plaintiff will continue to be injured in its business and
15 property rights and has suffered and is suffering and will continue to suffer injury and damages for
16 which it is entitled to relief under 35 U.S. C. § 284.

17 34. On information and belief, defendants AT EASE, BROWARD MICROFILM, INC., BUSINESS
18 TEK, CRANEL, TAPEONLINE, SPINERGY, MASTER RECORDING, PROACTION,
19 RESOURCE DATA, WEBTRONICS, STORAGE HEAVEN, TERA-STORAGE, THE TAPE
20 COMPANY LLC. and DOES 1-50 (collectively, "RESELLERS") have made, purchased, resold,
21 offered for sale, used, sold, and/or imported in this district and elsewhere in the United States
22 MICROTECH DEVICES that use, embody or otherwise infringe on one or more claims of Patent
23 '298.

24 35. As a direct and proximate consequence of the acts of the RESELLERS, WORDTECH has been, is
25 being, and continues to be damaged according to proof. Unless such acts and practices of
26 defendant are enjoined by the Court, Plaintiff's business and property will continue to be injured
27 and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S. C. §
28 284.

COUNT II

(Infringement of U.S. Patent 6,532,198)

36. Plaintiff hereby incorporates paragraphs 1-35 above, inclusive, by this reference.

37. On information and belief, Defendant MICROTECH is in the business of, *inter alia*, making using, selling, importing and/or offering to sale programmable self-operating compact disc duplication systems ("MICROTECH DEVICES") that infringe each of the elements of one or more claims of Patent '198, without a license from WORDTECH.

38. On information and belief, by making, using, selling, importing and or offering for sale MICROTECH DEVICES, defendant MICROTECH has directly and contributorily infringed and will continue to directly and contributorily infringe one more of the claims of Patent '198 under 35 U.S.C. § 271 (a), (b), (c) and/or (f) literally or under the doctrine of equivalents.

39. MICROTECH had been informed that a license was needed under Patent '198.

40. On information and belief, MICROTECH's infringement of Patent '198 has been and continues to be willful and deliberate, entitling WORDTECH to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

41. As a direct and proximate consequence of the acts and practices of MICROTECH, plaintiff WORDTECH has been, is being, and continues to be damaged; unless such acts and practices of defendant are enjoined by the Court, plaintiff will continue to be injured in its business and property rights and has suffered and is suffering and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S. C. § 284.

42. On information and belief, defendants AT EASE, BROWARD MICROFILM, INC., BUSINESS TEK, CRANEL, TAPEONLINE, SPINERGY, MASTER RECORDING, PROACTION, RESOURCE DATA, WEBTRONICS, STORAGE HEAVEN, TERA-STORAGE, THE TAPE COMPANY LLC. and DOES 1-50 (collectively, "RESELLERS") have made, purchased, resold, offered for sale, used, sold, and/or imported in this district and elsewhere in the United States MICROTECH DEVICES that use, embody or otherwise infringe on one or more claims of Patent '198.

43. As a direct and proximate consequence of the acts of the RESELLERS, WORDTECH has been, is

1 being, and continues to be damaged according to proof. Unless such acts and practices of
2 defendant are enjoined by the Court, Plaintiff's business and property will continue to be injured
3 and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S. C. §
4 284.

5 44. As a direct and proximate consequence of the acts of the RESELLERS, WORDTECH has been, is
6 being, and continues to be damaged according to proof. Unless such acts and practices of
7 defendant are enjoined by the Court, Plaintiff will continue to be injured in its business and
8 property rights and has suffered and is suffering and will continue to suffer injury and damages for
9 which it is entitled to relief under 35 U.S. C. § 284.

10 **COUNT III**

11 **(Infringement of U.S. Patent No. 6,822,932)**

12 45. Plaintiff hereby incorporates paragraphs 1-44 above, inclusive, by this reference.

13 46. On information and belief, Defendant MICROTECH is in the business of, *inter alia*, making using,
14 selling, importing and/or offering to sale programmable self-operating compact disc duplication
15 systems ("MICROTECH DEVICES") that infringe each of the elements of one or more claims of
16 Patent '932, without a license from WORDTECH.

17 47. On information and belief, by making, using, selling, importing and or offering for sale
18 MICROTECH DEVICES, defendant MICROTECH has directly and contributorily infringed and
19 will continue to directly and contributorily infringe one more of the claims of Patent '932 under 35
20 U.S.C. § 271 (a), (b), (c) and/or (f) literally or under the doctrine of equivalents.

21 48. MICROTECH had been informed that a license was needed under Patent '932.

22 49. On information and belief, MICROTECH's infringement of Patent '932 has been and continues to
23 be willful and deliberate, entitling WORDTECH to increased damages under 35 U.S.C. § 284 and
24 to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

25 50. As a direct and proximate consequence of the acts and practices of MICROTECH, plaintiff
26 WORDTECH has been, is being, and continues to be damaged; unless such acts and practices of
27 defendant are enjoined by the Court, plaintiff will continue to be injured in its business and
28 property rights and has suffered and is suffering and will continue to suffer injury and damages for

1 which it is entitled to relief under 35 U.S. C. § 284.

2 51. On information and belief, defendants AT EASE, BROWARD MICROFILM, INC., BUSINESS
3 TEK, CRANEL, TAPEONLINE, SPINERGY, MASTER RECORDING, PROACTION,
4 RESOURCE DATA, WEBTRONICS, STORAGE HEAVEN, TERA-STORAGE, THE TAPE
5 COMPANY LLC. and DOES 1-50 (collectively, "RESELLERS") have made, purchased, resold,
6 offered for sale, used, sold, and/or imported in this district and elsewhere in the United States
7 MICROTECH DEVICES that use, embody or otherwise infringe on one or more claims of Patent
8 '932.

9 52. As a direct and proximate consequence of the acts of the RESELLERS, WORDTECH has been, is
10 being, and continues to be damaged according to proof. Unless such acts and practices of
11 defendant are enjoined by the Court, Plaintiff's business and property will continue to be injured
12 and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S. C. §
13 284.

14 53. As a direct and proximate consequence of the acts of the RESELLERS, WORDTECH has been, is
15 being, and continues to be damaged according to proof. Unless such acts and practices of
16 defendant are enjoined by the Court, Plaintiff will continue to be injured in its business and
17 property rights and has suffered and is suffering and will continue to suffer injury and damages for
18 which it is entitled to relief under 35 U.S. C. § 284.

19 **COUNT IV**

20 **(Infringement of Patent 7,145,841)**

21 54. Plaintiff hereby incorporates paragraphs 1-53 above, inclusive, by this reference.

22 55. On information and belief, Defendant MICROTECH is in the business of, *inter alia*, making using,
23 selling, importing and/or offering to sale programmable self-operating compact disc duplication
24 systems ("MICROTECH DEVICES") that infringe each of the elements of one or more claims of
25 Patent '841, without a license from WORDTECH.

26 56. On information and belief, by making, using, selling, importing and or offering for sale
27 MICROTECH DEVICES, defendant MICROTECH has directly and contributorily infringed and
28 will continue to directly and contributorily infringe one more of the claims of Patent '841 under 35